

Application No. 10/600,169

Response dated: June 15, 2006

Reply to Non-Final Office Action dated: March 23, 2006

### REMARKS

In response to the Office Action dated March 23, 2006, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-17 are pending in the present Application. Claim 1 is amended and Claims 6-17 are cancelled without prejudice, leaving Claims 1-5 for consideration upon entry of the present amendments and following remarks.

Support for the claim amendments can at least be found in the specification, the figures, and the claims as originally filed. Particularly, the support for amended Claim 1 is at least found in Claim 6 and in the specification at page 6, lines 7-17.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

### Claim Rejections Under 35 U.S.C. §102

Claims 1-12 and 14-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kawakami et al., U.S. Patent No. 6,329,101 B1 (hereinafter "Kawakami"). Applicant respectfully traverses. Claims 6-17 are hereinabove cancelled and rejections are rendered moot for these claims.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Kawakami discloses preparing a hydrogen-storing compound (Example 4, Col. 26, line 11 to Col. 27, line 6), preparing a pasty mixture and filling the mixture in a spongy nickel porous member. (Col. 27, line 57 to Col. 28, line 5.) After drying, the filled member is pressurized, the filled member is cut to a predetermined size and a nickel lead wire is connected to the cut member to obtain a secondary cell. (*Id.*) Figure 7 of Kawakami illustrates a positive electrode 506 and a negative electrode 503 sandwich a separator 507. (Col. 21, lines 40-51.) Applicant respectfully submits that Kawakami fails to disclose all of the limitations of amended Claim 1.

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Kawakami does not disclose processing or otherwise forming the nickel porous member, considered as a "collector" in the Office Action, let alone perforating at least two nickel porous members to form perforations. Therefore, Kawakami does not disclose perforating each of at least two collectors to have a plurality of perforations of amended Claim 1.

Additionally, Kawakami discloses filling a pasty mixture into a single spongy nickel porous member. Kawakami does not disclose any method of disposing the pasty mixture with respect to multiple nickel porous members. Therefore, Kawakami does not disclose perforating each of at least two collectors filling powders of metal hydride between the perforated collectors of amended Claim 1.

Finally, Kawakami discloses a separator 507 between negative and positive electrodes 503 and 506, respectively. Therefore, Kawakami does not disclose compressing the collectors having the powders of the metal hydride filled therebetween, so that the powders of the metal hydride are contained in the collectors and the collectors are combined at upper and at lower edges thereof of amended Claim 1.

Thus, Kawakami does not disclose all of the limitations of amended Claim 1. Accordingly, Kawakami does not anticipate amended Claim 1. Claims 2-5 variously depend from Claim 1 and are correspondingly not anticipated by Kawakami. Reconsideration of Claims 1-5 with respect to Kawakami is respectfully requested.

Claim 1 is further rejected under 35 U.S.C. § 102(b) as being anticipated by Yun et al., U.S. Patent No. 5,682,592 (hereinafter "Yun"). Applicant respectfully traverses.

Yun discloses fabricating a paste solution, filling the paste solution in porous nickel, drying the paste-filled porous nickel and press forming the porous nickel to fabricate a paste-type metal hydride electrode. (Col. 2, line 61 to Col. 3, line 12 and Figure. 1.) After drying, the filled member is pressurized, the filled member is cut to a predetermined size and a nickel lead wire is connected to the cut member to obtain a secondary cell. (*Id.*) Applicant respectfully submits that Yun fails to disclose all of the limitations of amended Claim 1.

Yun does not disclose processing or otherwise forming the porous nickel, considered as a "collector" in the Office Action, let alone perforating the porous nickel to form perforations.

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Therefore, Yun does not disclose perforating each of at least two collectors to have a plurality of perforations of amended Claim 1.

Additionally, Yun discloses filling a paste solution into a single piece of porous nickel. Yun does not disclose any method of disposing the paste solution with respect to porous nickel members, let alone disposing the paste solution between multiple porous nickel members. Therefore, Yun does not disclose perforating each of at least two collectors filling powders of metal hydride between the perforated collectors of amended Claim 1.

Finally, Yun does not disclose any relationship between multiple porous nickel members as discussed above, especially press-forming, multiple members and the resulting structure of the electrode. Therefore, Yun does not disclose compressing the collectors having the powders of the metal hydride filled therebetween, so that the powders of the metal hydride are contained in the collectors and the collectors are combined at upper and at lower edges thereof of amended Claim 1.

Thus, Yun does not disclose all of the limitations of amended Claim 1. Accordingly, Yun does not anticipate amended Claim 1.

Applicant respectfully submit that Claim 1 is not further rejected or objected and is therefore allowable. Claims 2-5 variously depend from Claim 1 and are correspondingly allowable. Reconsideration and allowance of Claims 1-5 are respectfully requested.

**Claim Rejections Under 35 U.S.C. §103**

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawakami in view of Nakamaru et al. (U.S. Patent No. 6,013,389). Applicant respectfully traverse.

Claim 13 is hereinabove cancelled without prejudice and rejections are rendered moot for this claim.

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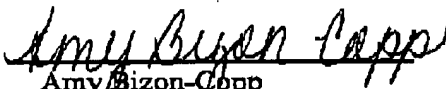
**Conclusion**

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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